

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-015455

11/28/2022

HONORABLE RANDALL H. WARNER

CLERK OF THE COURT
A. Meza
Deputy

ABRAHAM HAMADEH, et al.

TIMOTHY A LASOTA

v.

KRIS MAYES, et al.

DANIEL C BARR

COCHISE COUNTY BOARD OF
SUPERVISORS
NO ADDRESS ON RECORD
GREENLEE COUNTY BOARD OF
SUPERVISORS
NO ADDRESS ON RECORD
DAVID ANDREW GAONA
KIMBERLY HUNLEY
KORY A LANGHOFER
SAMBO DUL
CELESTE MARIE ROBERTSON
MARK D BYRNES
JEFFERSON R DALTON
CEPHAS A PERKINS
RYAN N DOOLEY
KAREN HARTMAN-TELLEZ
RYAN ESPLIN
JASON MOORE
DANIEL JURKOWITZ
CRAIG C CAMERON
COLLEEN CONNOR
WILLIAM J KEREKES
COURT ADMIN-CIVIL-ARB DESK
DOCKET CV TX
JUDGE WARNER

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MINUTE ENTRY

East Court Building – Courtroom # 414

2:05 p.m. This is the time set for virtual Order to Show Cause Return Hearing regarding Plaintiff's November 22, 2022 Application for Order to Show Cause. Appearances are as follows.

- Plaintiffs, Abraham Hamadeh and the Republican National Committee, are represented by counsel, Timothy A. La Sota, Kory A. Langhofer and Thomas Basile.
- Defendant, Kris Mayes, is represented by counsel, Daniel C. Barr and Paul Eckstein.
- Defendant, Katie Hobbs (in her official capacity as Secretary of State), is represented by counsel, David A. Gaona and Sambo "Bo" Dul.
- Defendants, Larry Noble (in his official capacity as the Apache County Recorder) and the Apache County Board of Supervisors, are represented by counsel, Celeste Robertson.
- Defendants, David W. Stevens (in his official capacity as the Cochise County Recorder) and the Cochise County Board of Supervisors, are neither present nor represented by counsel.
- Defendants, Patty Hansen (in her official capacity as the Coconino County Recorder) and the Coconino County Board of Supervisors, are represented by counsel, Mark Byrnes.
- Defendants, Sadie Jo Bingham (in her official capacity as the Gila County Recorder) and the Gila County Board of Supervisors, are represented by counsel, Jefferson Dalton.
- Defendants, Wendy John (in her official capacity as the Graham County Recorder) and the Graham County Board of Supervisors, are represented by counsel, Allan Perkins.
- Defendants, Sharie Milheiro (in her official capacity as the Greenlee County Recorder) and the Greenlee County Board of Supervisors, are neither present nor represented by counsel.
- Defendants, Richard Garcia (in his official capacity as the La Paz County Recorder) and the La Paz County Board of Supervisors, are represented by counsel, Jason Mitchell.
- Defendants, Stephen Richer (in his official capacity as the Maricopa County Recorder) and the Maricopa County Board of Supervisors, are represented by counsel, Karen Hartman-Tellez.
- Defendants, Kristi Blair (in her official capacity as the Mohave County Recorder) and the Mohave County Board of Supervisors, are represented by counsel, Ryan Esplin.
- Defendants, Michael Sample (in his official capacity as the Navajo County Recorder) and the Navajo County Board of Supervisors, are represented by counsel, Jason Moore.

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- Defendants, Gabriella Cazares-Kelly (in her official capacity as the Pima County Recorder) and the Pima County Board of Supervisors, are represented by counsel, Daniel Jurkowitz.
- Defendants, Dana Lewis (in her official capacity as the Pinal County Recorder) and the Pinal County Board of Supervisors, are represented by counsel, Craig Cameron.
- Defendants, Suzanne Sainz (in her official capacity as the Santa Cruz County Recorder) and the Santa Cruz County Board of Supervisors, are represented by counsel, Kimberly Hunley.
- Defendants, Michelle M. Burchill (in her official capacity as the Yavapai County Recorder) and the Yavapai County Board of Supervisors, are represented by counsel, Colleen Connor.
- Defendants, Richard Colwell (in his official capacity as the Yuma County Recorder) and the Yuma County Board of Supervisors, are represented by counsel, William Kerekes.

All appearances are virtual via Court Connect.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court has reviewed the pleadings, including Defendant Mayes's November 25, 2022 Motion to Dismiss and Pretrial Brief, Defendant Secretary of State Katie Hobbs's November 26, 2022 Motion to Dismiss Statement of Election Contest, and Plaintiffs' November 28, 2022 Response to Contestee's Motion to Dismiss.

Discussion is held regarding legal issues, including the deadline for certification, the potential timeline of a recount, and the timeliness of the filing of this case.

Oral argument is presented to the Court regarding the parties' positions on the timeliness of the filing of this case, as discussed in the Motions to Dismiss and Plaintiffs' Response. Plaintiffs request the opportunity for interested parties to file amicus briefs on these issues.

Based on the matters presented,

IT IS ORDERED taking Defendants Mayes and Hobbs's Motions to Dismiss under advisement as to the issue of timeliness only.

IT IS FURTHER ORDERED denying Plaintiffs' request for interested parties to have the opportunity to file amicus briefs.

Discussion is held regarding whether an evidentiary hearing should be set at this time and the possible procedural issues regarding same.

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Based on the matters presented,

IT IS ORDERED that, **no later than November 29, 2022**, Plaintiffs shall provide to Defendants and file a list of documents that are requested under the Arizona Rules of Civil Procedure.

IT IS FURTHER ORDERED that, **no later than December 6, 2022**, the parties shall file simultaneous briefs regarding the issue of whether and to what extent discovery is or should be permitted in an election contest.

IT IS FURTHER ORDERED deferring setting an evidentiary hearing or further briefing on the merits at this time.

At the request of Plaintiffs' counsel,

IT IS ORDERED dismissing count 5 of the complaint without prejudice.

2:49 p.m. Matter concludes.